GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1450
ANSWERED ON:03.05.2016
Undertrials in Jails
Lekhi Smt. Meenakashi;Ram Shri Vishnu Dayal

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of convicted prisoners and undertrials languishing in the various jails of the country separately, gender, jail and State-wise;

(b) the total number of such prisoners who are still in jails due to various reasons despite having completed their period of punishment along with the reasons therefor gender, Jail and State-wise;

(c) the time by which such prisoners are likely to be released, gender, Jail and State-wise;

(d) whether the Government has taken cognizance of the observations made by the Supreme Court on 15 March, 2016 regarding the rising violent clashes in jails due to shortage of staff;

(e) if so, the details thereof and the action taken by the Government for
implementation of Model Jail Manual, 2016; and

(f) the steps taken by the Government for speedy trial and release of undertrials along with the steps taken to provide legal assistance to them?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) As per data compiled by the National Crime Records Bureau at the end of 2014, there were 1,31,517 convicted prisoners and 2,82,879 undertrial prisoners in the jails of the country. A State/UT-wise and
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gender-wise statement of convicted and undertrial prisoners is enclosed at Annexure-I.
(b)&(c) As per data compiled by National Crime Records Bureau (NCRB) at end of 2014, a State/UT-wise and gender wise statement of convicts in jails of the country due to non-payment of fine amount, after completion of their sentence is enclosed at Annexure-II. Data regarding release of these prisoners are not maintained centrally.
(d)&(e) "Prisons" is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. However, the Ministry of Home Affairs has prepared a new Model Prison Manual 2016 covering all aspects of prisons and the copy of the same has been sent to the States/UTs for guidance.
(f) The following measures have been taken by the Government in respect of undertrial prisoners and to reduce the overcrowding in jails:
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(i) A letter has been sent to all States/UTs on 14.8.2015 for taking necessary action for including the Secretary of the District Legal Services Authority as one of the members of the Under Trial Review committee.
(ii) An Advisory has been issued by the Government of India on 17.1.2013 to States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link:
http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf
(iii) The Union Home Minister has written to Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr. P.C. to reduce overcrowding in jails of the country.
(iv) The Hon'ble Supreme Court in its order dated 5.9.2014 in the Writ Petition No. 310/2005 − Bhim Singh Vs Union of India & Other relating to the undertrial prisoners has directed for effective implementation of Section 436A of the Code of Criminal Procedure. The DG (Prisons)/IG
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(Prisons) of all States/UTs have been requested on 22.9.2014 to take necessary action to comply with the order of the Hon'ble Supreme Court in the matter.

(v) An Advisory dated 27.9.2014 has been issued by the Government of India to the States/UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr. P. C. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForRreckoningHalfLife_161014.pdf

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